

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Cook et al.

Serial No.: 09/552,563

Filed: March 10, 2000

For: CONTROL SYSTEMS AND METHODS

: Art Unit: 2858

: Examiner: Patel, P.

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR, IN THE ALTERNATIVE, FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.181, MPEP 711.03(c) II, and 1156 OG 53, Applicants hereby petition to withdraw holding of abandonment based on failure to receive an office communication.

Applicants have not received a Notice of Abandonment, but have been informed that the present application is being held in Abandonment by the USPTO. Specifically, through a telephone status check by the Examiner on February 21, 2003, Applicants learned that the above-identified application has been held to be abandoned. More particularly, in the telephone status check, Applicants learned that an Office Action was mailed by the USPTO to Applicants on July 30, 2002.

The undersigned has examined Applicants' file regarding the subject application and until the Examiner sent a facsimile on February 24, 2003, the file did not include an Office Action.

Applicants respectfully submit that Applicants' record is indicative of Applicants never receiving the Office Action. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn. Specifically, Applicants request that the Amendment

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in response to the Office Action dated July 30, 2002, and the Submission of Marked Up Claims submitted herewith be accepted and that the holding of abandonment be withdrawn. The foregoing request is consistent with 1156 OG 53 in that the request includes a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office Action dated July 30, 2002, was not received. Furthermore, a copy of the docket record wherein the non-received Office action would have been entered had it been received and docketed is attached to and referenced in practitioner's statement.

Applicants believe that no fee is due for this petition. If any fee is due, then the Commissioner is hereby authorized to charge the correct fee to deposit account 01-2384.

If the above petition under 37 C.F.R. § 1.181 is not granted, then pursuant to 37 C.F.R. §§ 1.316 and 1.137(b), and MPEP 711.03(c) III, Applicants hereby petition to revive the subject patent application as unintentionally abandoned. The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

- (1) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in paragraph (3).
- (2) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.
- (3) Fees:

a. Petition fee (37 C.F.R. 1.17(m))	<u>\$ 1,300.00</u>
TOTAL FEES DUE:	
<u>\$ 1,300.00</u>	

The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$1,300.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

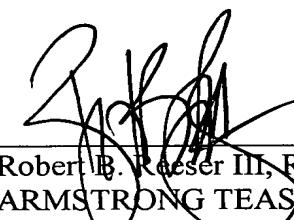
- (4) Enclosed is an Amendment in response to the Office Action dated July 30, 2002.
- (5) Enclosed is a Submission of Marked Up Paragraphs.
- (6) Enclosed is a printout of the docket report for the present case produced from Armstrong Teasdale's electronic docketing data base demonstrating that the Office

Action of July 30, 2002, was not docketed and, accordingly, that Armstrong Teasdale LLP was not aware that the PTO had mailed the Office Action.

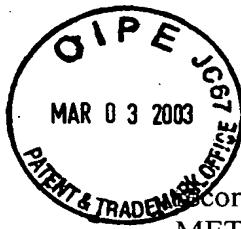
(7) An affidavit is attached from Robert B. Reeser III, an employee of Armstrong Teasdale LLP, attesting that (a) Armstrong Teasdale LLP never received the Office Action of July 30, 2002, until February 24, 2003; and (b) that Armstrong Teasdale LLP was first notified of the abandonment during a telephone conversation with the PTO on February 21, 2003.

For the reasons set forth above, Applicants respectfully request that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully Submitted,



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Robert B. Reeser III, Reg. No. 45,548  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070



### AFFIDAVIT OF ROBERT B. REESER III

I, Robert B. Reeser III, employee of Armstrong Teasdale LLP and an attorney of record for U.S. Patent Application 09/522,563 and titled CONTROL SYSTEMS AND METHODS, hereby certify:

- a) that the Office Action mailed to Armstrong Teasdale on July 30, 2002, was never received by Armstrong Teasdale LLP;
- b) that a written notification of abandonment has not been received by Armstrong Teasdale LLP; and
- c) that I was first notified of the abandonment of the above-referenced utility patent application during a telephone conversation with the USPTO on February 21, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Mar 3, 2003

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Robert B. Reeser III

STATE OF MISSOURI )  
                        )  
                        ) ss.  
CITY OF ST. LOUIS   )

March

On this 3rd day of February in the year 2003, before me, M. Carmela de la Cruz, a Notary Public in and for said State, personally appear **ROBERT B. REESER III**, known to me to be the person who executed the within Affidavit, and acknowledged to me that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the City and State aforesaid, the day and year first above written.

M. Carmela de la Cruz  
M. Carmela de la Cruz, Notary Public

My Commission Expires:

M. CARMELA DE LA CRUZ  
Notary Public Notary Seal  
STATE OF MISSOURI  
St. Louis County  
My Commission Expires Nov. 19, 2004

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Case History For Docket Number: 12729-00072 Country: USA

Status: Filed  
Substatus: Filed  
Application Number: 09/522,563  
Application Date: 03/10/2000  
Parent Country:  
Parent Filing Date:  
Parent Number:  
Patent Number:  
Grant Date:  
Client/Division: GE Aircraft Engines  
Attorney: RBR  
Associate:  
Current Owner: General Electric  
Inventors:  
Title: CONTROL SYSTEMS AND METHODS

Action: No Foreign Filing	Due Date: 11/02/1999	Taken Date: 03/10/2000
Action: Post Card Returned?	Due Date: 04/10/2000	Taken Date: 03/10/2000
Action: IDS Reminder	Due Date: 05/10/2000	Taken Date: 03/10/2000
Action: Info Discl. Statement Due	Due Date: 06/10/2000	Taken Date: 03/10/2000
Action: Filing Receipt Received?	Due Date: 07/10/2000	Taken Date: 03/10/2000
Action: 1st Office Action Mail Date	Due Date: 04/25/2001	Taken Date: 05/16/2001
Action: Amendment Due 1-MO Reminder	Due Date: 05/25/2001	Taken Date: 07/25/2001
Action: Filed/Status Check	Due Date: 06/10/2001	Taken Date: 03/10/2000
Action: Amendment Due	Due Date: 07/25/2001	Taken Date: 07/25/2001
Action: IDS Filed	Due Date: 07/25/2001	Taken Date: 07/26/2001
Action: Amendment Due w/1-Mo Extension	Due Date: 08/25/2001	Taken Date: 07/25/2001
Action: Amendment Due w/2-Mo Extension	Due Date: 09/25/2001	Taken Date: 07/25/2001
Action: Last Date to Amend w/3-Mo Extension	Due Date: 10/25/2001	Taken Date: 07/25/2001
Action: 2nd Office Action Mail Date	Due Date: 10/25/2001	Taken Date: 11/28/2001
Action: Amendment Due, 1-MO Reminder	Due Date: 11/25/2001	Taken Date: 01/24/2002
Action: Amendment Due (2nd OA)	Due Date: 01/25/2002	Taken Date: 01/24/2002
Action: Amended/Status Check	Due Date: 01/25/2002	Taken Date: 11/28/2001
Action: Amendment Due w/1 Mo. Ext.	Due Date: 02/25/2002	Taken Date: 01/24/2002
Action: Amendment Due w/2 Mo. Extension	Due Date: 03/25/2002	Taken Date: 01/24/2002
Action: Last Date to Amend w/3 Mo. Extension	Due Date: 04/25/2002	Taken Date: 01/24/2002
Action: Amended/Status Check	Due Date: 07/24/2002	Taken Date: 08/08/2002
Action: Status Check	Due Date: 01/19/2003	Taken Date: